

Residential Evictions in Virginia Alexandria Office of Housing

This is a summary of the procedure provided in the Code of Virginia Title 55, Chapter 13.2, the Virginia Residential Landlord Tenant Act (VRLTA). **This summary does not provide legal advice. The process for eviction is complex and the Office of Housing strongly encourages any landlord seeking to evict a tenant, or any tenant subject to eviction proceedings to seek appropriate legal counsel from a qualified attorney.**

These are the steps a landlord must take in the eviction process.

1. **Notify the tenant of the breach or that the lease is terminating in writing pursuant to VRLTA § 55-248.6**

The landlord must notify the tenant of the breach and how to cure the breach. VRLTA [§ 55-248.31](#)

During the lease term the landlord must notify the tenant that they have breached the rental agreement.

For non-payment of rent the landlord serves the tenant a “Five Day Pay or Quit Notice,” which notifies the tenant they must pay the rent within five days of the notice or vacate the premises.

For other types of lease violations that can be cured, the landlord must serve the tenant a “21/30 Notice to Cure.” This notice specifies the acts and omissions constituting the breach and states that the rental agreement will terminate 30 days after receipt of the notice if the breach is not remedied in 21 days. If the tenant cures the breach within 21 days the lease does not terminate.

If the tenant commits a breach for which there is no remedy, the landlord must notify the tenant of the breach and that the lease will terminate in 30 days.

Once tenant has been served with a prior 21/30 day notice to cure and remedied the breach, if the tenant intentionally commits a subsequent breach of a like nature the landlord may serve a 30 day notice that specifies the breach and references the prior breach.

- 2: **Summons for Unlawful Detainer Virginia Code § 8.01-126**

If the tenant does not comply with the notice, the landlord brings proof of the notice to the General District Court to obtain a Summons for Unlawful Detainer, which is a civil claim for eviction.

The court issues a Summons for Unlawful Detainer and assigns a date when the landlord and tenant have an opportunity to appear. If the judge rules in favor of the landlord, the tenant is granted a 10-day appeal period.

The Summons for Unlawful Detainer and instructions for completing it are found at <http://www.courts.state.va.us/forms/district/dc421.pdf>

3. **Writ of Possession in Unlawful Detainer Va. Code** §§§ [8.01-470](#), [8.01-471](#), [8.01-472](#)

After the 10-day appeal period the landlord files a Request for Writ of Possession in Unlawful Detainer Proceedings with the clerk of the General District Court.

The court sends the Writ of Possession for the plaintiff to the Sheriff's Office.

The Sheriff's Office has 30 days from the court's signing to execute the document. The Sheriff's Office contacts the plaintiff with the scheduled date and time of the eviction.

The tenant is notified at least 72 hours prior to the scheduled eviction.

4. **Eviction** § [55-248.38:2](#)

The landlord may opt to execute a full eviction or a 24 hour lock change eviction. With a full eviction the tenant's property is placed on the nearest public right of way. The landlord must supply the necessary laborers to execute the eviction with the Sheriff's Office present to protect the landlord and tenant.

In a 24-hour lock change eviction the landlord must provide a locksmith to change all of the locks on exterior entrances to the dwelling. The dwelling becomes a storage facility for the tenant's property for the next 24 hours and the landlord must grant the defendant reasonable access to remove property during that 24 hour period. The tenant cannot stay in the dwelling overnight. At the end of the 24 hour period, any property left in the unit becomes the possession of the landlord.